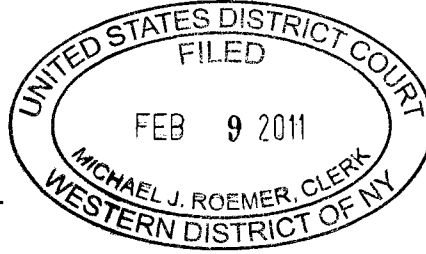


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



-PS-O-

MARIO GORDON,

Plaintiff,

-v-

10-CV-0944M

ORDER

T. CLARK,

Defendants.

On December 20, 2010, the Court granted plaintiff's application to proceed *in forma pauperis*, directed the Clerk of the Court to cause the United States Marshals Service to serve the summons and complaint on the named and identified defendants and requested the New York State Attorney General's Office, pursuant to Valentin v. Dinkins, 121 F.3d 72 (2d Cir. 1997), to attempt to ascertain the identities of the John Doe Correctional Officers and Registered Nurse. (Docket No. 3.)

On January 12, 2011, the Attorney General's Office responded to the order and advised plaintiff that, based on documents of the Auburn Correctional Facility regarding the October 22, 2010 incident raised in the complaint, Registered Nurse John Doe 1 was identified as "Nurse Scott Wilson." The Attorney General's Office also advised plaintiff that there was no information in the documents that indicate that an extraction team was used in the transport as alleged in the complaint and, therefore, there was no

information identifying who the John Doe Correctional Officers alleged in the complaint were.

Accordingly, the Clerk of the Court is directed to amend the caption of the complaint to add "Nurse Scott Wilson" as a defendant and to terminate "Registered Nurse John Doe 1" as a party to this action and to cause the Marshals Service to serve the Summons, Complaint, this Order and the Order, filed December 20, 2010 (Docket No. 3), on defendant Scott Wilson at the Auburn Correctional Facility. Said defendant, pursuant to 42 U.S.C. § 1997e(g)(2), is directed to respond to the complaint.

Plaintiff is also granted permission to seek, through discovery after the defendants have answered, the names of the John Doe Correctional Officers allegedly also involved in the incident alleged in the complaint, if any; plaintiff then may request leave of the Court to add the John Doe Correctional(s) as a defendant(s) herein and request service on him (them) by the U.S. Marshals Service.

SO ORDERED.

S/ MICHAEL A. TELESKA
MICHAEL A. TELESKA
United States District Judge

Dated: February 8, 2011
Rochester, New York